THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5779 OF 1997

ORAL ORDER:

This writ petition is field seeking a Mandamus directing the respondents 1 to 3 not to cause any kind of interference in respect of Ac.2-25 gts of land where some old graves are existing on an extent of 200 square meters and forming part of Old Sy.No.5, corresponding to T.S.No.30 of Block-G, Ward No.269 situated at Sultanbagh Revenue village, within the limits of Shamsheergunj P.S., and for consequential reliefs.

The petitioners, who claim to be the absolute owners of the above said land, alleged that the subordinates of respondents 1 and 3, on the basis of a wrong entry in possession column in Revenue Records entered upon the land in question on the pretext of survey of Government land. Though the petitioners protested and submitted a representation to the 1st respondent on 26.2.1997 claiming title and possession, no enquiry has been conducted. Hence, this writ petition.

In response to the *Rule nisi* ordered, the 3rd respondent-Mandal Revenue Officer, filed a counter affidavit stating that the land in question to an extent of 6828 square meters, has been recorded as Government Dargah in Column No.20 and Darga Bahadur Shah in Column No.23, corresponding to old Sy.No.5 of Sulthanbagh village. Town survey was also conducted during the years 1964-65 duly following the procedure laid down in Andhra Pradesh Survey and Boundaries Act, 1923 and final notification under Section 13 of the Act was published in the Gazette. The allegation that the subordinates of the respondents 1 and 3 had conducted survey of the land in old Sy.No.5 has been denied and it is stated that no such instructions were given for survey. However, it is contended that since the land is classified as Government Darga, the respondents are the custodians and that they have every right to inspect and survey the said land for

safeguarding the same from illegal encroachment.

As can be seen from the counter affidavit, the specific case of the respondents is that the land in question is classified as Government Dargah. Since title and possession claimed by the petitioners is in dispute, no Mandamus can be issued as prayed by the petitioners. This Court in a writ proceeding cannot make any enquiry into the disputed questions and no finding as to the rival claims can be recorded.

Accordingly, the writ petition is dismissed granting liberty to the petitioners to work out the appropriate common law remedy for redressal of their grievance, if so advised. No costs.

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(G. ROHINI).

24th January, 2007.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.5779 OF 1997

24th January, 2007.

Between:

K. Mohan Lal and others. .. Petitioners.

And

The District Collector, Hyderabad District,
Nampally Station Road, Hyderabad and others. ..
Respondents.